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JUDITH A. SZEPESE BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025				
EXAMINER				
ENGLAND, DAVID E				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/588,875

**Applicant(s)**

KIRANI ET AL.

**Examiner**

DAVID E. ENGLAND

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 71-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 71-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 71 – 90 are presented for examination.

***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claim language of “computer readable medium” found in newly added claims 78 – 84 is not defined or found in the specification. It is asked that the Applicant amend the claim language to a memory of some type that is executed by a processor that is supported by the specification, instead of the stated “computer readable medium”.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 71 – 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagatomo et al. (6334126), hereinafter Nagatomo, in view of Tso et al. (6421733), hereinafter Tso.**

5. As per claim 71, as closely interpreted by the Examiner, Nagatomo teaches a method of providing digital photographic images by a server, comprising:
  6. receiving a request to view a digital photographic image from a client, the request including at least one of a session identifier, a user identifier or a photo identifier, (e.g., col. 10, lines 24 – 64, terminal ID and search resulting in an image);  
identifying a device type of the client, (e.g., col. 9, lines 4 – 7 & Figure 7A);
  7. determining capabilities of the client based on the identified device type, (e.g., col. 9, lines 4 – 7 & Figure 7A);
  8. selecting an image format appropriate to the capabilities of the client, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15);
  9. determining whether a version of the digital photographic image having the selected image format is stored by the server, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15);  
if the version of the digital photographic image having the selected image format is not stored at the server, generating said version of the digital photographic image by decompressing the digital photographic image to generate a bitmap in a color scheme that was used to generate the digital photographic image, converting the bitmap of the digital photographic image to a standard intermediate format, and mapping the standard intermediate format of the digital photographic image to the selected image format, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15); and  
transmitting the version of the digital photographic image having the selected image format to the client, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15,

line 15), but does not specifically teach these steps involving an available communication bandwidth for transmissions between the server and the client.

10. Tso teaches the use of an available communication bandwidth for transmissions between the server and the client, (e.g., col. 7, lines 15 – 60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tso with Nagatomo since it may be advantageous for a system to restrict what is sent to a client if their device cannot communicate at a rate of other computers, i.e., wireless and wireline, therefore making for a faster transmission of data to devices such as PDAs and cellphones, Tso column 16, line 63 et. seq.

11. As per claim 72, as closely interpreted by the Examiner, Nagatomo teaches at least one of the device type or the capabilities of the client are reported to the server by the client, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15).

12. As per claim 73, as closely interpreted by the Examiner, Nagatomo teaches comparing the device type of the client to a knowledge database to determine the capabilities of the client, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15).

13. As per claim 74, as closely interpreted by the Examiner, Nagatomo teaches receiving user preferences, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15); and

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14. selecting the image format based on the user preferences, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15).

15. As per claim 75, as closely interpreted by the Examiner, Nagatomo teaches storing the capabilities of the client in an information record once the capabilities of the client are determined, wherein the information record facilitates determining capabilities of the client for future transactions, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16 & col. 14, line 46 – col. 15, line 15).

16. As per claim 76, as closely interpreted by the Examiner, Nagatomo does not specifically teach inferring a communication transport used for communications between the server and the client based on the device type.

17. Tso teaches inferring a communication transport used for communications between the server and the client based on the device type, (e.g., col. 7, lines 15 – 60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tso with Nagatomo for similar reasons stated above.

18. As per claim 77, as closely interpreted by the Examiner, Nagatomo teaches determining the capabilities of the client includes determining an annotation format supported by the client, the method further comprising:

19. dynamically formatting annotations associated with the image to the annotation format that is supported by the client, (e.g., Figures 7A – 8 & col. 10, line 59 – col. 11, line 16, text +

image, col. 14, line 46 – col. 15, line 15).

20. The teachings to claims 78 – 91 can be found in the cited areas used to reject claims 71 – 77, for they are virtually identical in nature.

***Response to Arguments***

21. Applicant's arguments with respect to claims 71 – 90 have been considered but are moot in view of the new ground(s) of rejection.

22. **It is advised that the Applicant review the prior art not relied upon below and cited in previous action, for they can also be utilized in another rejection.**

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. a. Whitley et al. U.S. Patent No. 6925595 discloses Method and system for content conversion of hypertext data using data mining.

25. b. Barnsley et al. U.S. Patent No. 5347600 discloses Method and apparatus for compression and decompression of digital image data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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